THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 20th March 1950.

The House met in the Council Chamber, Fort St. George, at half past two of the clock, the Deputy Chairman (SRI K. VENKATASWAMI NAYUDU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Separation of the Judiciary from the Executive.

* 17 *Q*.—SRI R. SURYANARAYANA RAO: Will the Hon. the Chief Minister be pleased to state—

(*a*) the districts in which the separation of the Judiciary from the Executive has been effected;

(*b*) whether the method of separation adopted is uniform in all the districts;

(*c*) whether it is proposed to extend the separation to some other districts and if so, what the programme of separation is;

(*d*) whether, in the districts proposed for separation, the same system will be introduced;

(*e*) whether the Government are aware of certain anomalies existing in districts where the separation has taken place and whether they have been brought to the notice of the Government; and

(*f*) what steps the Government have taken to remove them?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Chief Minister) :—" (*a*) The Scheme of Separation of the Judiciary from the Executive has been introduced in districts of North Arcot, Chingleput, Anantapur, Bellary, Chittoor and Tirunelveli.

" (*b*) Yes. There are, however, two systems under the Scheme —the 'Simultaneous System' and the 'Alternating System'. Under the former, the same officer is district munsif and a subdivisional magistrate and this system has been adopted in areas of vast distances and thin population like the Ceded districts and in certain centres where the district munsif has very light work. Under the latter system which has been adopted for the other areas, the posts of district munsifs and subdivisional magistrates are held by different persons.

" (*c*) Yes. The selection of the districts to which the scheme is to be extended is under consideration of Government.

" (*d*) One or the other of the two systems specified under (*b*) above will be in force.

" (*e*) None has been brought to the notice of Government.

" (*f*) Does not arise."

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DR. SYED TAJUDDIN :—" May I know, Sir, why the separation has not embraced the whole Province?"

THE HON. SRI K. MADHAVA MENON :—" For the obvious reason, Sir, that we have to go slow in this matter because we are doing a new thing and we are doing it without any amendment of the existing laws, the Indian Evidence Act and the Code of Criminal Procedure. If it is to be done after an amendment of these statutes, it may take years. So. we have to see its working before we introduce it in all places."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether from the reports so far received by the Government, they find that the system has been working well in the districts in which it was first introduced?"

THE HON. SRI K. MADHAVA MENON :—" We have not got any official report from any officer because we have not yet deputed any particular officer for reporting about it. We are expecting reports from either the Board of Revenue or from the High Court in regard to the matter but we, some of us, have been going about seeing things ourselves and hearing and the report that we have justifies the impression that its working in the district is very satisfactory."

DR. SYED TAJUDDIN :—" Has the separation of the judiciary from the executive taken place in any other State in the Union, Sir?"

THE HON. SRI K. MADHAVA MENON :—" We can pride ourselves on the fact that we have begun this good thing first as we have begun many other such things."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Government will consider the desirability of introducing both these systems in the same district wherever necessary?"

THE HON. SRI K. MADHAVA MENON :—" Certainly, Sir, As a matter of fact, we have issued orders investing munsifs with first-class powers in the Province but the High Court has suggested to us that the first-class powers with which we have invested the munsifs may be exercised for the time being within those districts where separation is working and not in any other district and the matter is under the consideration of the Government."

DR. SYED TAJUDDIN :—" When the Government is assured that the separation of the judiciary from the executive is a good thing, where is the need for waiting to see how it works?"

THE HON. SRI K. MADHAVA MENON :—" Administrative arrangements and convenience require that we cannot do it in all districts all on a sudden. For instance, we have not got a sufficient number of district munsifs to be posted as subdivisional magistrates if we have to have it in all the districts."

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SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the munsif-magistrates are under the control and supervision of the district magistrate of the district or of the district judge or of both? "

THE HON. SRI K. MADHAVA MENON :—" In respect of the magisterial side, they are under the district magistrate and for civil work, they are under the district judge and the sessions judge happens to be the appellate authority over the district magistrate."

DR. SYED TAJUDDIN :—" Will the Government have the necessary number of district munsifs required for this purpose? "

THE HON. SRI K. MADHAVA MENON :—" Anticipating this, Sir, we are recruiting 81 munsifs and the Public Services Commission has already advertized for it."

DR. V. K. JOHN :—" Are the Government aware of Article 50 of the Constitution which says that the State shall take steps to separate the judiciary from the executive in the public services of the State? "

THE HON. SRI K. MADHAVA MENON :—" We have anticipated the constitution by introducing this reform long before the Constitution was passed."

Seasonal conditions prevailing in the State.

* 18 *Q.*—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to make a statement on the seasonal conditions prevailing in the State, more especially in the southern parts of the State, the steps taken or proposed to be taken to alleviate the distress caused by the failure of the monsoon?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Minister for Land Revenue) :—" Statement [a] is laid on the table of the House."

SRI R. SURYANARAYANA RAO :—" Sir, there has been failure of monsoons successively for the last three years; are the Government satisfied that the measures taken by them will meet the needs of the situation? "

THE HON. SRI K. MADHAVA MENON :—" The measures taken by us may not certainly restore rain which we have lost but the consequences of the failure, we are trying to meet by the measures that we have taken."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, what amount of relief by way of provision of work or gratuitous relief has been provided in the taluks or in the areas which have been continuously suffering for want of rains all these three years? "

THE HON. SRI K. MADHAVA MENON :—" The work done in each district has been given in the statement but for other details, I want notice."

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[a] Printed as Appendix on pages 503–507 infra.